IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TEASTAMENTARY & INTESTATE JURISDICTION

MISC.PETITION NO.68 OF 2005

IN

PETITION NO.725 OF 2003

...

Mrs.Shama @ Shamabanu Wd/o
Mohammed Yusuf Thondiyar & Anr. ...Petitioners

v/s.

Thondiyar Samskani Pichai
Yaqub & anr. ...Respondents

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Mr.Javed Allana for the Petitioners.

None for the Respondents.

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CORAM: D.K.DESHMUKH, J.

DATED: 21ST JULY, 2006

P.C.:

1. Respondents have been served. Heard the learned Counsel for the Petitioners. Perused the record of Misc.Petition No.15 of 1999 and Petition No.725 of 2003. It is clear beyond doubt that the Succession Certificate was obtained by the Respondents by making palpably false statement. Succession Certificate, therefore, is liable to be set aside.

Petition is, therefore, granted in terms of prayer clause (a)(i).

2. The Petitioners by prayer clause (d) have prayed for directions to the Respondents to deposit the amount of Rs.11,54,734/- in the Court. But for the same relief, Notice of Motion has already been taken out by the Petitioner and there an ad-interim order to the same effect has already been made and therefore, it is not necessary to make that order in

this petition.

3. The Petitioners also pray for making a complaint under Section 195 of Cr.P.C. against the Respondents, because they have made a false statement in their petition for Succession Certificate.

4. Considering that the Respondents are parent of the deceased husband of the Petitioner No.1, they are old people and they have lost their son, I am not inclined to initiate any criminal proceedings against them.

Petition disposed of.

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